

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ISO-00 JUSE-00 H-01 SEC-01 EB-07
COME-00 TRSE-00 OPIC-03 AID-05 IGA-02 PA-01 PRS-01
USIA-06 CIAE-00 INR-07 NSAE-00 PM-04 NSC-05 SP-02
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FM AMEMBASSY KHARTOUM
TO SECSTATE WASHDC 4804

C O N F I D E N T I A L KHARTOUM 2258

DEPT PASS JUSTICE

E.O. 11652: GDS
TAGS: EAIR, PINT, SU
SUBJECT: BOEING BRIBERY CASDN

REF: KHARTOUM 2203

SUMMARY: SUDANGOV HAS OFFICIALLY EXPRESSED ITS DESIRE
ENTER FORMAL AGREEMENT WITH USG SO THAT IT CAN GAIN
ACCESS TO CONFIDENTIAL INFO REGARDING POSSIBLE BOEING
ILLICIT PAYMENTS IN SUDAN AND THEREBY
CONTINUE INVESTIGATION HERE. ATTORNEY GENERAL BELIEVES
CRIMINAL PROCEEDINGS MAY RESULT. END SUMMARY.

1. MET JULY 6 WITH ATTORNEY GENERAL HASSAN OMER,
PROSECUTOR GENERAL OMER AL-MARDI AND OFFICER FROM
FONMIN LEGAL DIVISION FATH ABDULLA. ATTORNEY
GENERAL SAID THAT HE HAS BEEN AUTHORIZED BY COUNCIL
OF MINISTERS TO ENTER INTO AGREEMENT WITH US
JUSTICE DEPARTMENT AND THAT HE WISHES TO DO SO.
HE IS PREPARED TO GO TO WASHINGTON TO SIGN AGREEMENT
ON BEHALF SUDANGOV, BUT HE PREFERS TO USE US EMBASSY
HERE AS CHANNEL COMMUNICATIONS AND NOT RPT NOT
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SUDAN EMBASSY IN WASHINGTON. ATTORNEY GENERAL NOTED
THAT HIS STATUS, POWERS AND FUNCTIONS ARE EXACTLY
THOSE OF US ATTORNEY GENERAL. SUDANESE EQUIVALENT
OF US JUSTICE DEPARTMENT IS QUOTE ATTORNEY GENERAL'S
CHAMBERS. UNQUOTE.

2. OMER SAID SPECIAL SUDANGOV COMMITTEE (KHARTOUM 674)

WHICH INVESTIGATED BOEING CASE DID NOT RPT NOT FIND SUFFICIENT EVIDENCE TO INSTITUTE CRIMINAL PROCEEDINGS. HOWEVER, STRONG SUSPICION EXISTS THAT CRIMINAL VIOLATIONS MAY HAVE TAKEN PLACE WHEN SUDAN AIRWAYS PURCHASED TWO BOEING 707'S AND TWO 737'S IN 1974/75. THEREFORE, COUNCIL OF MINISTERS HAS AUTHORIZED HIM TO ENTER INTO AGREEMENT WITH US DEPARTMENT OF JUSTICE SO THAT SUDANGOV CAN HAVE ACCESS TO CONFIDENTIAL INFORMATION WHICH IS BELIEVED TO BE DIRECTLY RELEVANT TO POSSIBLE CRIMINAL VIOLATIONS ARISING OUT OF PURCHASE THESE FOUR AIRCRAFT BY SUDAN AIRWAYS FROM BOEING. ATTORNEY GENERAL INTENDS TO ESTABLISH COMMITTEE HEADED BY PROSECUTOR GENERAL AND FULLY AUTHORIZED UNDER SUDAN CODE OF CRIMINAL PROCEDURES. IT WILL BE AN AD HOC INVESTIGATIVE BODY CHARGED WITH LOOKING INTO THE BOEING CASE.

3. AFTER REVIEWING THE MODEL AGREEMENT WHICH WE MADE AVAILABLE, ATTORNEY GENERAL HAS CONCLUDED THAT IT IS IN SUDAN'S INTEREST TO ENTER INTO SUCH AN AGREEMENT WITH US AND HE IS FULLY AUTHORIZED TO DO SO. HE IS PREPARED TO GO TO WASHINGTON TO SIGN THE AGREEMENT ON BEHALF SUDANGOV, BUT HE WILL NOT BE ABLE TO DO SO UNTIL AFTER RAMADAN, WHICH ENDS IN MID-SEPTEMBER. ATTORNEY GENERAL SAID THAT HE PREFERS THAT COMMUNICATIONS ON THIS SUBJECT BE MADE CONFIDENTIAL

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THROUGH EMBASSY KHARTOUM RATHER THAT SUDAN EMBASSY WASHINGTON. AFTER AGREEMENT IS SIGNED, HE WISHES TO HAVE ACCESS TO CONFIDENTIAL INFORMATION, THAT IS, INFORMATION NOT IN THE PUBLIC RECORD. IN THIS CONNECTION, HE ASKED ABOUT AVAILABILITY OF INFORMATION THAT MAY BE HELD BY CONGRESSIONAL COMMITTEES, AND HE ASKED WHETHER THIS INFORMATION IS IN THE PUBLIC RECORD OR WHETHER IT WOULD BE AVAILABLE TO HIM ONCE AGREEMENT IS SIGNED.

4. ATTORNEY GENERAL AGREED TO RETURN MODEL AGREEMENT TO EMBASSY WITH PEN AND INK CHANGES WHICH WOULD REFER TO BOEING CASE IN SUDAN. THIS WOULD CONSTITUTE DRAFT AGREEMENT BETWEEN SUDANGOV AND USG. EMBASSY WILL SUBMIT DRAFT TO DEPARTMENT OF JUSTICE FOR ITS REVIEW AND APPROVAL. ASSUMING DEPARTMENT OF JUSTICE CONCURRENCE, AGREEMENT WOULD BE SIGNED IN WASHINGTON IN SEPTEMBER.

5. COMMENT AND ACTION REQUESTED: OMER, WHO HAS GRADUATE DEGREES IN LAW FROM HARVARD, CHICAGO AND OXFORD, INDICATED THAT SUDANGOV IS VERY

SERIOUS IN PURSUING ITS INVESTIGATION AND IF NECESSARY
IN INSTITUTING CRIMINAL PROCEDURES. HE HAS NO
PROBLEM WITH SUBSTANCE MODEL AGREEMENT, AND THEREFORE
EMBASSY BELIEVES THAT THERE IS NO REASON WHY US
DEPARTMENT OF JUSTICE WOULD BE UNABLE TO ENTER INTO
AGREEMENT WITH SUDAN ATTORNEY GENERAL. IN FACT, IN
LIGHT USG CONCERN OVER ILLICIT PAYMENTS PROBLEM,
BELIEVE WE WOULD ENCOURAGE SUDANGOV TO PURSUE
ITS INVESTIGATIONS. WOULD BE INTERESTED TO KNOW
WHETHER ANY OTHER ARAB, AFRICAN OR THIRD
WORLD COUNTRY HAS EXPRESSED INTEREST IN ENTERING
INTO AGREEMENT WITH DEPARTMENT OF JUSTICE AS HAS
SUDANGOV. DEPARTMENT ALSO REQUESTED TO ADVISE
EMBASSY OF ANY OTHER SPECIFIC PROCEDURES WHICH
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ARE NOW REQUIRED IN LIGHT OFFICIAL REQUEST BY
ATTORNEY GENERAL TO ENTER INTO AGREEMENT WITH
DEPARTMENT OF JUSTICE. BOGOSIAN

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